Mysore State

Secrt. II-57—40,000—27-10-53.

P & E

Home (1953) Department.

MS. SERIES.

G.O. No. 2902

Dated 14. 9. 53

[Despatch Abstract.]

Code of Civil Procedure – Orders of Restitution made under Section 151 Civil Procedure Code – Appealability. – Orders XXI and XLIII – Amendments – Approved

(Abstract).

Code of Civil Procedure - Orders of restitution made under Section 151 Civil Procedure Code - Appealability - Orders XXI and XLIII - Amendments - Approved.

Home Department.

G. O. Ms. No. 2902. Dated 14th September 1953.

Read the following:--

From the High Court Roc. No. 1510/50 D1 dated 17-4-53 and 27-7-53.

O R D E R:

In exercise of the powers conferred by section 126 of the Code of Civil Procedure, 1908 (Central Act V of 1908) the Governor of Madras hereby approves the amendments to Orders XXI and XLIII of the First Schedule to the said Code, proposed by the Judges of the High Court and appended hereto.

2. The Registrar, High Court is requested to direct the publication of the amendments in the Fort St. George Gazette.

3. The Government have decided that the proposal to amend section 2(2) Civil Procedure Code contained in the letter first cited should be deferred for the present.

(BY order of the Governor of Madras.)

P.T. Sreekumara Panikar.
Deputy Secretary to Government.

To

The Registrar, High Court, Madras.
The Legal Department.
Copy to the Personal Clerk to Chief Minister and Minister for Law.
Copy to Andhra State

True/Copy
Forwarded/By order.

Superintendent

lm 26/9

APPENDIX.

AMENDMENTS.

In the First Schedule to the Code of Civil Procedure, 1908

(1) in Order XXI, after rule 105, the following shall be added as rule 106, namely:-

"106. Where and in so far as a decree or order is varied or reversed and the case does not fall within the scope of section 47 or section 144, the Court of first instance shall, on the application of any party affected by the decree or order, cause such restitution to be made as will, so far as may be, place the parties in the position which they would have occupied but for such decree or order or such part thereof as has been varied or reversed.";

(2) in Order XLIII, in rule 1, after clause (i) the following shall be inserted as clause (ii) namely:-

"(ii) an order under rule 106 of Order XXI."

/ True copy /

SUPERINTENDENT